

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

James B. Sumpter

DEFENDANTS

DELPHI AUTOMOTIVE SYSTEMS (HOLDING), INC.
/ka DELPHI AUTOMOTIVE SYSTEMS

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

JAMES B. SUMPTER, pro se
21169 Westbay Circle, Noblesville, IN 46062
317-877-0736

ATTORNEYS (IF KNOWN)

Cynthia J. Haffey, BUTZEL LONG, P.C.
150 West Jefferson, Suite 100, Detroit, MI 48226
(313) 225-7000CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appealed of court order enjoining the Appellant's ERISA suit against Delphi's Autom. Sys. life and Disab.Prog. in the Indiana District Court

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously AssignedIf yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____Is THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE REAPPORTIONMENT
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 620 28 USC 158	[] 1423 WITHDRAWAL	[] 410 ANTITRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED	28 USC 157	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 630 LIQUOR LAWS		[] 450 COMMERCE
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 640 RR & TRUCK		[] 460 DEPORTATION
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 650 AIRLINE REGS		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL. VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 660 OCCUPATIONAL SAFETY/HEALTH		[] 480 CONSUMER CREDIT
[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 690 OTHER		[] 490 CABLE/SATELLITE TV
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 380 OTHER PERSONAL INJURY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY			[] 810 SELECTIVE SERVICE
[] 160 STOCKHOLDERS SUITS					[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 190 OTHER CONTRACT					
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO VACATE SENTENCE 20 USC 2255	[] 710 FAIR LABOR STANDARDS ACT	[] 820 COPYRIGHTS	[] 875 CUSTOMER CHALLENGE
[] 196 FRANCHISE	CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 720 LABOR/MGMT RELATIONS	[] 830 PATENT	12 USC 3410
	[] 441 VOTING	[] 535 DEATH PENALTY	[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 840 TRADEMARK	[] 890 OTHER STATUTORY ACTIONS
REAL PROPERTY	[] 442 EMPLOYMENT	[] 540 MANDAMUS & OTHER	[] 740 RAILWAY LABOR ACT	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 891 AGRICULTURAL ACTS
	[] 443 HOUSING/ ACCOMMODATIONS		[] 790 OTHER LABOR LITIGATION	[] 871 IRS-THIRD PARTY 26 USC 7609	[] 892 ECONOMIC STABILIZATION ACT
	[] 444 WELFARE		[] 791 EMPL RET INC SECURITY ACT		[] 893 ENVIRONMENTAL MATTERS
	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT				[] 894 ENERGY ALLOCATION ACT
	[] 446 AMERICANS WITH DISABILITIES - OTHER				[] 895 FREEDOM OF INFORMATION ACT
	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)				[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
					[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
			Appeal to District Court from Bankruptcy Judge judgment			
<input type="checkbox"/> a. all parties represented						
<input checked="" type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

<input checked="" type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY	IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)
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CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

21169 Westbay Circle
Noblesville, IN 46062
Hamilton County Indiana

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

5725 Delphi Drive
Troy. MI 48098
Oakland County, Michigan

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 6/9/2013 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # *James B. Snyder, pro se* ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[] YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)